

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
AMOCO CHEMICAL COMPANY)	File No. 0004276640
)	WT Docket No. 11-77
Request for Waiver)	

ORDER

Adopted: August 15, 2011

Released: August 16, 2011

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* This *Order* addresses a request for waiver associated with the above-captioned application filed by Amoco Chemical Company (Amoco) to use 896-901/935-940 MHz (900 MHz) band itinerant use channels at a permanent location.¹ For the reasons stated below, we grant the waiver request in part, and will process the application accordingly.

2. *Background.* Four 900 MHz band frequency pairs have been designated for operations at unspecified locations for varying periods of time (itinerant use).² Amoco seeks to add three of those frequency pairs (897/936.6625 MHz, 900/939.9750 MHz, and 900/939.9875 MHz) to its license for 900 MHz Industrial/Land Transportation Station WPAH364, for use at its plant at Texas City, Texas. Amoco states that the purpose of the proposed channel expansion is to eliminate congestion and provide more reliable communications on the existing system for the chemical plant, adjoining refinery, and waterways that serve as Amoco's terminal port.³ Its frequency coordinator states that no other 900 MHz band frequencies are available in the vicinity.⁴ Amoco states that it explored other options, such as utilizing different services or frequency bands, but concluded that they would cause significant disruption to the plant operations and provide less functionality.⁵ It also states that this channel expansion will extend the life of the existing system to allow Amoco to engineer and migrate to a long-term solution.⁶

3. *Discussion.* To obtain a waiver of the Commission's Rules, a petitioner must demonstrate either that (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the present case and that grant of the waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be

¹ See File No. 0004276640 (filed June 9, 2010; amended Jun. 21, 2010 and Nov. 1, 2010), Request for Waiver of Public Notice DA 01-1847 (filed June 9, 2010) (Waiver Request), Supplemental Information (filed November 1, 2010) (Supplement), Return Response to Waiver Request (filed November 1, 2010) (Return Response). On May 4, 2011, the Wireless Telecommunications Bureau sought public comment on the waiver request. See Wireless Telecommunications Bureau Seeks Comment on Amoco Chemical Company Request for Waiver to Use 900 MHz Band Itinerant Use Channels for a Private Land Mobile Radio System, *Public Notice*, WT Docket No. 11-77, 26 FCC Rcd 6634 (WTB MD 2011). No comments were filed.

² See Private Land Mobile Radio Services – 900 MHz Band Itinerant Use Channels, *Public Notice*, 16 FCC Rcd 14871, 14871 (WTB PSPWD 2001).

³ See Waiver Request at 1.

⁴ See Supplement at 1.

⁵ See Return Response at 1.

⁶ *Id.* at 2.

inequitable, unduly burdensome, or contrary to the public interest, or the applicant has no reasonable alternative.⁷ The purpose of designating frequencies for itinerant use is to meet the communications needs of licensees that move frequently from place to place.⁸ We believe that Amoco has demonstrated on the record before us that grant of its waiver request is warranted under the circumstances, and that its proposed operations do not pose an interference threat to existing licensees. The channel expansion will permit more reliable communications, which will enhance the safety of operations at the Texas City plant.

4. We note, however, that “the very nature and purpose of the itinerant frequencies create situations where a given itinerant frequency may be less heavily used in a particular area at a given time than frequencies available for permanent-type use.”⁹ Thus, the fact that Amoco’s proposed use does not currently appear to impinge upon itinerant use of the channels does not mean that the situation may not change.¹⁰ Therefore, to preserve the availability of the channels for future itinerant use if necessary, Amoco’s application will be granted on the condition that Amoco must accept interference from licensed itinerant operations on the itinerant use channels, and may not cause interference to licensed itinerant operations on the itinerant use channels.

5. *Conclusion.* We grant Amoco’s waiver request to the extent indicated above. Specifically, the above-captioned application to add frequency pairs 897/936.6625 MHz, 900/939.9750 MHz, and 900/939.9875 MHz to Amoco’s license for Station WPAH364 will be granted, but Amoco’s use of the frequencies under that license will be secondary to licensed itinerant operations.

6. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and Section 1.925 of Commission’s Rules, 47 C.F.R. § 1.925, that the request for waiver filed by Amoco Chemical Company on June 9, 2010 in connection with FCC File No. 0004276640 IS GRANTED IN PART to the extent set forth above, and that application FCC File No. 0004276640 SHALL BE PROCESSED in accordance with this *Order* and the Commission’s Rules.

7. This action is taken under delegated authority pursuant to Sections 0.131(a) and 0.331 of the Commission’s Rules, 47 C.F.R. §§ 0.131(a), 0.331.

FEDERAL COMMUNICATION COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ 47 C.F.R. § 1.925(b)(3).

⁸ See Texas Bitulithic Co., *Memorandum Opinion and Order*, 6 F.C.C. 2d 430, 430 ¶ 4 (1967).

⁹ Waiver or Amendment of Section 91.504(a) and (b)(12) of the Commission's Rules Governing the Special Industrial Radio Service, *Memorandum Opinion and Order*, 4 F.C.C. 2d 705, 705-06 ¶ 3 (1966).

¹⁰ See *id.* at 706 ¶ 4.